

### REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 1-20 will be pending. By this amendment, claims 1, 2, 11, and 12 have been amended. No new matter has been added.

#### § 103 Rejection of Claims 1, 3, 11, and 13

In Section 3 of the Office Action, claims 1, 3, 11, and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ismail *et al.* (U.S. Patent No. 6,614,987; hereinafter referred to as “Ismail”) in view of Knowles *et al.* (U.S. Patent No. 6,505,348; hereinafter referred to as “Knowles”). Claims 1 and 11 have been amended to address the rejection.

In the Background section of the Specification, it was stated that “in order to listen or view the program, which the user hopes for, it is necessary for the user to use a time shifting function and a library function or the like to be realized by a video tape recorder. However, even when the user utilizes the time shifting function and the library function, the user has to perform the operation for booking recording. Further, the user has to select the program, which he or she hopes for, among all programs to be put on the air. Accordingly, the operations to listen or view the program, which suits the user’s taste, were very complicated and inconvenient.”

*Specification, page 2, lines 1-8.*

To overcome the above-described problem of the conventional broadcasting system and receiving apparatus, embodiments of the present invention include a broadcasting system and a receiving apparatus that selectively records programs according to user’s taste and displays the

programs such that recorded programs can be readily distinguished from non-recorded programs in a program listing. For example the structure of system claim 1, as presented herein, includes:

“1. A broadcasting system comprising:

*a broadcast station* for broadcasting attributive information, in which attribution is shown and digital contents;

*a plurality of receiving apparatuses* having receiving means for receiving said digital contents and said attributive information, which are put on the air from said broadcast station;

*recording medium* for recording the received digital contents and the received attributive information;

*output means* for outputting the received digital contents;

*selecting means* for comparing selective information showing a user's taste with the attributive information, which is provided to the digital contents to select the digital contents,

wherein said selecting means can be switched on or off as desired such that it can filter said digital contents upon output by said output means or upon recording on said recording medium;

*controlling means* for controlling to output the digital contents, which are selected by said selecting means, among the digital contents which are received by said receiving means, and the digital contents which are recorded in said recording medium or controlling to record the digital contents, which are selected by said selecting means, among the digital contents which are received by said receiving means; and

*display means* for displaying a list of programs broadcasted in the past, said list of programs including a first set of programs that was recorded and a second set of programs that was not recorded,

wherein said display means displays the list of programs such that said first set of programs can be visually distinguished from said second set of programs.”

(emphasis added)

Accordingly, in one aspect of claim 1, a broadcasting system includes: a broadcast station; a plurality of receiving apparatuses; recording medium; output means; selecting means for comparing selective information showing a user's taste with the attributive information; controlling means for controlling to output the digital contents; and display means for displaying a list of programs broadcasted in the past, said list of programs including a first set of programs that was recorded and a second set of programs that was not recorded, wherein said display means displays the list of programs such that said first set of programs can be visually distinguished from said second set of programs. The newly-added limitation of the display means is described on page 32, lines 4-12 and illustrated in Figure 10.

By contrast, Ismail and Knowles, in combination or individually, fail to teach or suggest a system including selecting means for comparing selective information showing a user's taste with the attributive information; and display means for displaying a list of programs broadcasted in the past, said list of programs including a first set of programs that was recorded and a second set of programs that was not recorded, wherein said display means displays the list of programs such that said first set of programs can be visually distinguished from said second set of programs. Therefore, Ismail and Knowles fails to teach or suggest all the limitations of claim 1.

Based on the foregoing discussion, claim 1 should be allowable over Ismail and Knowles. Since claim 11 closely parallels, and recites substantially similar limitations as recited in, claim 1, claim 11 should also be allowable over Ismail and Knowles. Further, since claims 3 and 13 depend from claims 1 and 11, respectively, claims 3 and 13 should also be allowable over Ismail and Knowles.

Accordingly, it is submitted that the rejection of claims 1, 3, 11, and 13 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§ 103 Rejection of Claims 2 and 12

In Section 4 of the Office Action, claims 2 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ismail in view of Knowles, Segman (U.S. Patent No. 6,301,619), and Shah-Nazaroff *et al.* (U.S. Patent No. 6,317,881; hereinafter referred to as “Shah-Nazaroff”).

Based on the foregoing discussion regarding claims 1 and 11, and since claims 2 and 12 depend from claims 1 and 11, respectively, claims 2 and 12 should be allowable over Ismail and Knowles. Further, Segman was merely cited for showing attributive information and selective information for “refining broadcast selections”. Shah-Nazaroff was merely cited for “displaying title information of the program to allow the viewer to decide whether or not to watch the program”. Therefore claims 2 and 12 should be allowable over Ismail, Knowles, Segman, and Shah-Nazaroff.

Accordingly, it is submitted that the rejection of claims 2 and 12 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§ 103 Rejection of Claims 4 and 14

In Section 5 of the Office Action, claims 4 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ismail in view of Knowles, Shah-Nazaroff, and Lawler (U.S. Patent No. 5,758,259).

Based on the foregoing discussion regarding claims 1 and 11, and since claims 4 and 14 depend from claims 1 and 11, respectively, claims 4 and 14 should be allowable over Ismail and Knowles. Shah-Nazaroff was merely cited for displaying “title information of the program to allow the viewer to decide whether or not to watch the program”. Further, Lawler was merely cited for “automatically sending programs to a viewer which he or she might find desirable”. Therefore claims 4 and 14 should be allowable over Ismail, Knowles, Shah-Nazaroff, and Lawler.

Accordingly, it is submitted that the rejection of claims 4 and 14 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

#### § 103 Rejection of Claims 5 and 15

In Section 6 of the Office Action, claims 5 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ismail in view of Knowles and Amano (U.S. Patent No. 5,585,865).

Based on the foregoing discussion regarding claims 1 and 11, and since claims 5 and 15 depend from claims 1 and 11, respectively, claims 5 and 15 should be allowable over Ismail and Knowles. Amano was merely cited for “selecting content to be automatically output by an output means”. Therefore claims 5 and 15 should be allowable over Ismail, Knowles, and Amano.

Accordingly, it is submitted that the rejection of claims 5 and 15 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§ 103 Rejection of Claims 6 and 16

In Section 7 of the Office Action, claims 6 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ismail in view of Knowles and Schulhof *et al.* (U.S. Patent No. 5,572,442; hereinafter referred to as “Schulhof”).

Based on the foregoing discussion regarding claims 1 and 11, and since claims 6 and 16 depend from claims 1 and 11, respectively, claims 6 and 16 should be allowable over Ismail and Knowles. Schulhof was merely cited for disclosing “a means for decoding encrypted contents”. Therefore claims 6 and 16 should be allowable over Ismail, Knowles, and Schulhof.

Accordingly, it is submitted that the rejection of claims 6 and 16 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§ 103 Rejection of Claims 7 and 17

In Section 8 of the Office Action, claims 7 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ismail in view of Knowles, Schulhof, and Sprague *et al.* (U.S. Patent No. 5,247,575; hereinafter referred to as “Sprague”).

Based on the foregoing discussion regarding claims 1 and 11, and since claims 7 and 17 depend from claims 1 and 11, respectively, claims 7 and 17 should be allowable over Ismail and Knowles. Schulhof was merely cited for disclosing “a means for decoding encrypted contents”. Further, Sprague was merely cited for disclosing “a system in which information is recorded(stored) before being decoded”. Therefore claims 7 and 17 should be allowable over Ismail, Knowles, Schulhof, and Sprague.

Accordingly, it is submitted that the rejection of claims 7 and 17 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§ 103 Rejection of Claims 8 and 18

In Section 9 of the Office Action, claims 8 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ismail in view of Knowles and Hendricks *et al.* (U.S. Patent No. 5,798,785; hereinafter referred to as “Hendricks”).

Based on the foregoing discussion regarding claims 1 and 11, and since claims 8 and 18 depend from claims 1 and 11, respectively, claims 8 and 18 should be allowable over Ismail and Knowles. Hendricks was merely cited for disclosing “means for accounting of said contents (i.e., billing and account information, column 10, lines 39-43)”. Therefore claims 8 and 18 should be allowable over Ismail, Knowles, and Hendricks.

Accordingly, it is submitted that the rejection of claims 8 and 18 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

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§ 103 Rejection of Claims 9 and 19

In Section 10 of the Office Action, claims 9 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ismail in view of Knowles, Hendricks, and Seth-Smith *et al.* (U.S. Patent No. 4,829,569; hereinafter referred to as “Seth-Smith”).

Based on the foregoing discussion regarding claims 1 and 11, and since claims 7 and 17 depend from claims 1 and 11, respectively, claims 7 and 17 should be allowable over Ismail and

Knowles. Hendricks was merely cited for disclosing “means for accounting of said contents (i.e., billing and account information, column 10, lines 39-43)”. Further, Seth-Smith was merely cited for disclosing “a system in which accounting is carried out upon the decoding of received contents”. Therefore claims 9 and 19 should be allowable over Ismail, Knowles, Hendricks, and Seth-Smith.

Accordingly, it is submitted that the rejection of claims 9 and 19 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

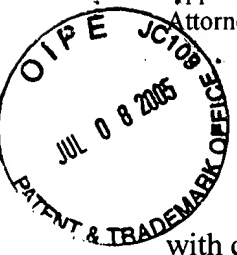
#### § 103 Rejection of Claims 10 and 20

In Section 11 of the Office Action, claims 10 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ismail in view of Knowles, Hendricks, Seth-Smith, and Sprague.

Based on the foregoing discussion regarding claims 1 and 11, and since claims 10 and 20 depend from claims 1 and 11, respectively, claims 10 and 20 should be allowable over Ismail and Knowles. Hendricks was merely cited for disclosing “means for accounting of said contents (i.e., billing and account information, column 10, lines 39-43)”. Seth-Smith was merely cited for disclosing “a system in which accounting is carried out upon the decoding of received contents”. Further, Sprague was merely cited for disclosing “a system in which information is recorded(stored) before being decoded”. Therefore claims 10 and 20 should be allowable over Ismail, Knowles, Hendricks, Seth-Smith, and Sprague.



Accordingly, it is submitted that the rejection of claims 10 and 20 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.



CONCLUSION

In view of the foregoing, entry of this amendment and the allowance of this application with claims 1-20 are respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes that have been made to these claims were not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes were made simply for clarification and to round out the scope of protection to which Applicant is entitled.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

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